

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.480
21 July 1970
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND EIGHTIETH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 21 July 1970, at 10.30 a.m.

Chairman:

Mr. J. VRATUSA

(Yugoslavia)

(Previous verbatim records in this series appeared under the symbols
ENDC/PV.1-ENDC/PV.430).

GE.70-16286
70-35474

PRESENT AT THE TABLE

Argentina:

Mr. C. ONTIZ de ROZAS

Mr. A.F. DUMONT

Mr. V.E. BERASATEGUI

Brazil:

Mr. R.E. SARAIVA GUERREIRO

Mr. L.F. PALMEIRA LAMPREIA

Bulgaria:

Mr. T. PETROV

Mr. I. PEINIRDJIEV

Burma:

U KYAW MIN

Canada:

Mr. G. IGNATIEFF

Mr. R.W. CLARK

Mr. R.E. MOORE

Czechoslovakia:

Mr. M. VEJVODA

Mr. J. STRUCKA

Mr. F. MARESKA

Ethiopia:

Mr. A. ZELLEKE

Mr. G. ALEMU

Hungary:

Mr. J. PETRAN

Mr. I. SARKADI

Mr. F. GAJDA

Ind'a:

Mr. M.A. HUSAIN

Mr. N. KRISHNAN

Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO

Mr. F.L. OTTIERI

Mr. R. BORSARELLI

Mr. U. PESTALOZZA

Japan:

Mr. H. TANAKA
Mr. H. OTSUKA
Mr. T. SENGOKU
Mr. J. SAKAMOTO

Mexico:

Mr. J. CASTANEDA
Mr. B. SEPULVEDA
Mr. R. VALERO

Mongolia:

Mr. D. ERDEMBILEG
Mr. Z. ERENDO

Morocco:

Mr. M.A.A. KHATTABI
Mr. A. BENKIRANE

Netherlands:

Mr. H.F. ESCHAUZIER
Mr. E. BOS

Nigeria:

Mr. C.O. HOLLIST
Mr. L.A. MALIKI

Pakistan:

Mr. K. AHMED
Mr. S.A.D. BUKHARI
Mr. T.O. HYDER

Poland:

Mr. W. NATORF
Mr. K. ZYBYLSKI
Mr. H. STEPOSZ

Romania:

Mr. I. DATCU
Mr. N. CHILIE

Sweden:

Mrs. A. MYRDAL
Mr. A. EDELSTAM
Mr. O. DAHLEN
Mr. J. LUNDIN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN
Mr. I.I. TCHEPROV
Mr. L.A. MASTERKOV

United Arab Republic:

Mr. H. KHALAF
Mr. O. SIRRY
Mr. Y. RIZK
Mr. M. ISMAIL

United Kingdom:

Mr. I.F. PORTER
Mr. J.T. MASEFIELD
Mr. R. HOULISTON
Mr. L.W. BOYES

United States of America:

Mr. J.F. LEONARD
Mr. A.F. NEIDLE
Mr. W. GIVAN
Mr. R.L. McCORMACK

Yugoslavia:

Mr. A. VRATUSA
Mr. M. BOZINOVIC
Mr. M. VUKOVIC

Deputy Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Yugoslavia): I declare open the 480th plenary meeting of the Conference of the Committee on Disarmament.
2. Mrs. MYRDAL (Sweden): Time marches on. I feel the urge to take up today for closer consideration the subject of chemical and biological means of warfare, to which some, but not sufficient, attention has so far been given in this session. But allow me at the outset to voice some general concern about our work schedule.
3. Within the next month we must complete action on at least four important items in order to report to the United Nations General Assembly in accordance with the mandates given to us. That constitutes a formidable workload. In the first instance we must obviously arrive at formulating a comprehensive programme of disarmament. Next, we hope to be able to arrive at a final and preferably unanimously-agreed draft sea-bed treaty. That presupposes that all amendments to the present text (CCD/269/Rev.2) must be in within this or next week; although I take it that most of them have been presented more or less textually in the statements by delegations; and some of those amendments have received very broad support. Further, we have the task of submitting a special report on the comprehensive test ban (General Assembly resolution 2604 B (XXIV); CCD/275). If that is not done, or if the report is without substance, that will constitute a particularly glaring failure on the part of our Committee. And we must carry forward our work on the banning of the production, testing and stockpiling of chemical and biological weapons, at least far enough to be able to make it manifest that we have mastered the general shape of such a prohibitive measure.
4. Already in my statement on 9 April (CCD/PV.463) I touched upon some elements which my delegation considers should be included in such a treaty. In the meantime we have given further thought to the subject; and I should like today to share with my colleagues some more specific suggestions. We have taken as a basis for our considerations the draft convention put forward by nine delegations in New York last year (A/7655) as amended here in April (CCD/285). The main reason for this is that it covers both chemical and biological means of warfare. That does not mean, however, that we have neglected the contents of the United Kingdom draft convention on biological warfare (ENDC/255/Rev.1), amended as suggested by the delegation of the United States to include also toxins (CCD/290) -- a suggestion which was accepted

(Mrs. Myrdal, Sweden)

by the United Kingdom delegation at our last meeting (CCD/PV.479, paras. 12 et seq.) It contains useful elements which could also be applied to the broader ban including all chemical weapons.

5. What I shall do tentatively in the following statement amounts to giving a description of the main features, as my delegation would like to see them formulated, of a convention prohibiting the development, production and stockpiling of chemical and biological weapons and prescribing the destruction of such weapons. It may perhaps be said that we are proceeding in the wrong order, as agreement has still not been reached on the basic issue of simultaneous treatment of both chemical and biological weapons. We feel, however, that by now such good reasons have been offered and such wide support has been voiced for a more comprehensive solution that we must endeavour to follow that road.

6. The preambles to the two draft conventions before the Committee contain roughly the same elements; and it should not prove difficult to amalgamate them into a single text. When we do so, reference should be added, of course, to the important resolutions which were adopted by the United Nations General Assembly after the submission of those drafts, particularly resolution 2603 A (XXIV) (CCD/275) concerning the affirmation of the existing ban on the use of all chemical and biological agents of warfare, described in a modern definition.

7. When it comes to the main prohibitory provision we hold the view, which I have stated in earlier interventions, that it would not suffice, nor be meaningful from a verification point of view, to prohibit only the weapons, as end-products. The prohibition must be extended to the development, production and stockpiling of the active agents themselves. Any chemical and biological agent having no recognized application other than for warfare purposes should thus be unconditionally prohibited. For such agents as have recognized uses for peaceful purposes the prohibitory regulation would refer to the cases where they were specifically applied or intended to be applied for warfare purposes. All ancillary equipment or vectors specifically designed for using chemical or biological agents as agents of warfare would also have to be prohibited.

8. In our opinion there would have to be, in connexion with these prohibitory rules, as in the United Kingdom draft, a clearly-defined clause allowing for exceptions

(Mrs. Myrdal, Sweden)

for agents, equipment or vectors of types and in quantities that are justified for prophylaxis and therapy, for research on protective equipment and methods, or for use for riot control in accordance with national and international law.

9. We agree with the authors of the two draft conventions on the necessity of having a provision in which parties undertake not to assist, encourage or induce any State, group of States or international organization to develop, produce or otherwise acquire and stockpile the forbidden agents and equipment. We would also include language in which the parties undertake to destroy within a certain period or to divert to peaceful uses all stocks of agents and equipment prohibited under the main provision. Those rules would correspond to articles 3 and 2 respectively of the nine-Power draft and to article II (b) and (c) of the United Kingdom draft.

10. When we come to the provisions on verification, our suggestions differ in several respects from the proposals in the draft conventions before the Committee. I explained our basic considerations on this subject at some length in my statement on 9 April, to which I have already referred. Our ideas -- which could be put into language better adapted for use in a treaty text -- could be summarized as follows.

11. All parties would undertake the following series of obligations in order to prevent any diversion of chemical or biological agents from peaceful uses to agents of warfare and to ensure compliance with the prohibitions in the treaty.

12. The first one would be to facilitate and promote international exchange of information on pertinent peaceful, scientific, technical and other activities; and to co-operate to that end.

13. The second undertaking would consist of reporting to an agreed international organization -- the World Health Organization has been mentioned as a possible recipient -- and as determined by such organization, relevant data on these peaceful activities.

14. The third element would consist of an undertaking by each party not to provide, nor to permit any juridical or physical person within its territory or under its jurisdiction or control to provide, to any recipient chemical or biological agents that might be diverted from peaceful uses to agents of warfare, unless reported by the party to the responsible international organization. That provision would replace the contents of articles 4 and 5 of the nine-power draft convention; and it corresponds to the contents of article III, paragraph 2, of the Non-Proliferation Treaty (ENDC/226*).

(Mrs. Myrdal, Sweden)

15. The fourth step in the verification process, as we perceive it, would consist of a provision whereby the parties would undertake to consult and co-operate with each other and with the responsible international organization in solving any problems which might arise in the application of the provisions of the convention, and to facilitate any inquiry or other suitable method of clarification that might be deemed necessary on the basis of the exchange of information or collection of reports mentioned earlier. That stage would correspond to the by now well-known idea of "verification by challenge", enabling a party to free itself of any suspicion of cheating. This provision can be said to be an elaboration of the proviso in the nine-power draft, contained in its article 6.
16. Our text would, further, contain a clause in order to ensure that the safeguards I have just outlined would be implemented in a manner which would avoid hampering the scientific, technical or economic development of the parties, or international co-operation in peaceful activities. That idea is taken from the Non-Proliferation Treaty, which has a similar clause in its article III, paragraph 3.
17. The verification system could have as a final feature the right of any party which believed that actions of any other party constituted a breach of the obligations in the treaty to lodge a complaint with the Security Council. Such an idea is to be found in article III of the United Kingdom draft convention, and in the amendment to the nine-power draft convention put forward by the delegations of Hungary, Mongolia and Poland on 14 April of this year.
18. Regarding the more procedural parts of the nine-power draft convention, we have two amendments to suggest: the first enabling parties to propose amendments to the convention, and the second allowing for a review conference five years after the entry into force of the convention. For both ideas we propose that the language be borrowed from the corresponding provisions in the latest draft sea-bed treaty. We consider that such provisions have proved their value in other connexions and that they should therefore form part of all future arms-control agreements. A specific task of the review conference should be stressed: namely the necessity to take into account any relevant scientific and technical developments and to pay particular attention to changes in the recognition of the application of chemical and biological agents for warfare or for peaceful purposes, respectively, as that recognition would serve as a basis for the categories of prohibition which I mentioned earlier.

(Mrs. Myrdal, Sweden)

19. Coming to an end of this description of our suggested changes in and additions to the draft conventions, I want just to add that I fully understand and expect that other delegations may have other and better ideas. I have chiefly wanted by this description to start a process of more detailed negotiation, aimed at our arriving at a more definite treaty text which could, we would hope, be rather generally acceptable. We stand ready to discuss our ideas further, formally or informally. What is important, I think, is an accelerated pace of negotiations, enabling us to see clearly what agreement has already been achieved, what it is possible to achieve now, and where disagreement persists.

20. While our Committee has been at work on an internationally-binding convention on the renunciation of chemical and biological means of warfare, some important steps forward have been taken by different countries. I have already had occasion in an earlier statement (CCD/PV.463, para. 8) to comment on the great merits of President Nixon's unilateral pledges for the United States, inter alia to confine its biological research to defensive measures, such as immunization and safety, to prepare for the disposal of existing stocks of biological weapons, to renounce preparations for the use of toxins as a method of warfare, to confine its military programme for toxins to research for defensive purposes only, and to direct the destruction of all existing United States toxin weapons (CCD/PV.449, paras. 25 and 26) — and doing all that without waiting for the settlement of the questions of reciprocity or verification.

21. In statements to this Committee several declarations with a similar bearing have been made. The United Kingdom has said, inter alia, that it has never had any biological weapons, that it has none now, that it has no intention of acquiring any, and that its research in the field of biological warfare has always been confined to defensive measures (CCD/PV.462, para. 11). Canada has declared, inter alia, that it never has had and does not now possess any biological weapons -- or toxins -- and does not intend to develop, produce, acquire, stockpile or use such weapons at any time in the future; and -- this commitment does not cover tear gas and other crowd and riot control agents -- that it does not possess any chemical weapons and does not intend to develop, produce, acquire, stockpile or use such weapons at any time in the future unless those weapons should be used against the military forces or the civilian population of Canada or its allies (CCD/PV.460, para. 37).

(Mrs. Myrdal, Sweden)

22. The Netherlands has said that as long ago as 1930, when it ratified the Geneva Protocol, it was among the first countries to renounce unconditionally the use of bacteriological or biological weapons (CCD/PV.458, para. 22). I take it that this means the same as not having or intending to acquire such biological weapons. Otherwise, quite a number of countries, including my own, have ratified without any reservations the comprehensive Geneva Protocol (A/7575/Rev.1, annex VI) against the use in war of either biological or chemical weapons.

23. In my country we have recently stated explicitly that our position in regard to chemical and biological means of warfare is definitely a negative one concerning both their production and their use. On 29 April my Government in a message to Parliament on foreign policy declared the following:

"... the Government considers it important to call attention to the fact that Sweden does not possess, nor does it intend to manufacture, any biological or chemical means of warfare. Research work is being carried out to develop protective methods in the event of our country being attacked with such weapons. Such research work, for example in respect of vaccines, is of obvious importance also in peacetime, inter alia to develop protection for the population against various diseases."

24. I want to add that the systems of control which exist in many countries, as also in Sweden, in regard to the handling of materials such as drugs, pesticides, insecticides and poisons would seem adaptable to a future international control system. We also set great store by the principle of openness; and we are at present exploring the possibilities of adapting our procedures to any future international obligations.

25. Some members of our Committee have recently invited nations to follow this avenue of national renunciation. I have earlier welcomed such national decisions; but I have also stressed, and I want to stress again, that unilateral decisions can be no substitute for internationally-binding agreements. It is important that such voluntary undertakings should not be one-sided or result in an unbalanced situation. And it is, of course, preferable to arrive at a state of affairs in which we shall have an international treaty so that all renunciations will have the same and, we hold, maximum coverage.

26. I wish to end this statement by pointing out that I have not touched upon any of the recently-raised technical aspects of our work on treaty obligations because I hope we can continue that discussion at a new informal meeting of the Committee in the near future.

27. Mr. ESCHAUZIER (Netherlands): In my statement this morning I should like to make a few brief remarks on the third version of a draft treaty on the prohibition of the emplacement of weapons of mass destruction on the sea-bed (CCD/269/Rev.2).
28. From the outset I would emphasize that the draft treaty deals with the subject of arms control. It therefore does not have either the intention or the scope to affect the environment in which the proposed measures of arms control are to be implemented. The treaty has to be interpreted in such a manner that its stipulations are not extended beyond the scope of its goals and objectives; otherwise there would be a clear case of détournement de droit.
29. The preceding reasons have been expressed several times by the co-authors of the draft treaty. Furthermore, it is clearly formulated in article IV of the draft treaty. It does not seem fruitful for this Committee to fight a battle which cannot properly be fought in this forum. That does not mean that it would not be preferable to avoid ambiguities, contradictions or vagueness. We are fully in support of drafting a clear and non-controversial text. However, in a process of negotiations there always comes a stage when positions have reached a certain maturity and finality. Efforts to introduce new changes at such a stage might jeopardize the whole treaty, or at least the momentum to finalize what has been agreed upon so far.
30. My second remark bears upon the evident self-restraint which is the background and origin of the co-authors' efforts to come to an agreement on the subject matter. The emplacement of nuclear weapons on the sea-bed is not a matter of science fiction but a real possibility. The self-restraint I have mentioned is of course motivated by the self-interest of the parties concerned. The merit of the draft treaty is, however, that the co-authors came to the conclusion that a prohibition as envisaged was in their mutual interest and that they were able to reach agreement on a formula containing such a prohibition. They could, of course, have concluded a bilateral agreement. They could even have laid down their understanding in a gentleman's agreement.
31. The co-authors of the draft treaty, however, followed a different course. They departed from the method adopted in concluding the test-ban Treaty (ENDC/100/Rev.1), which was agreed upon by the original parties but which was subsequently opened to all States for signature. The co-authors clearly followed the hard road of multilateral negotiations; and they have shown willingness to take into consideration the suggestions and proposals of many delegations. We have gone a long way since the Soviet Union and the United States of America submitted their original separate drafts. The Netherlands delegation looks upon this development in an appreciative way.

(Mr. Eschauzier, Netherlands)

32. The result of our joint efforts is not a perfect one. We certainly should think of a better text and a clearer formulation in certain respects. Our desire for perfection should not become self-defeating, however. From a political point of view it would be a worth-while achievement if we could present unanimously to the forthcoming session of the General Assembly, during which the twenty-fifth anniversary of the United Nations will be celebrated, an agreed text for a sea-bed treaty. In those conditions it would be likely that the treaty would become open for signature by the end of this year, which is the first year of the proclaimed Disarmament Decade.

33. With regard to the imperfections and shortcomings of the draft treaty now before us, I should like also to underline the importance of the treaty provision concerning the review conference. During that conference — to take place in Geneva after five years — the operation of the treaty will be reviewed with a view to ensuring that the purposes of the preamble, including the third paragraph, and the provisions of the treaty are being achieved. That review conference would therefore provide us with an opportunity to reconsider the fulfilment as well as the scope of the treaty obligations.

34. I should like now to comment briefly on certain suggestions made by other delegations.

35. The representatives of Brazil (CCD/PV.473, para. 78) and Argentina (CCD/PV.475/Add.1, paras. 17 and 18) proposed to delete the words "including the freedoms of the high seas" in paragraph 1 of article III. My delegation would prefer to retain those words in the text. Our Brazilian colleague even questioned the sense of the whole first paragraph of article III. We do not believe that to be right. That first paragraph is the basis and starting-point of the whole verification article, to which so many countries attach such great importance. I noted that the Mexican representative too attached importance to that paragraph and to the inclusion of the words "including the freedoms of the high seas" (CCD/PV.477, para. 44).

36. The Brazilian representative (CCD/PV.473, paras. 80 and 81), supported by his colleague from Argentina (CCD/PV.475/Add.1, paras. 19-25), also proposed replacing the words "may participate" in the final sentence of paragraph 2 of article III by the expression "shall be ... entitled to participate". We are in sympathy with that proposal.

37. We have taken note of Mr. Roshchin's statement (CCD/PV.476, para. 67) in which he explained the Soviet objection to a reference in article III to "appropriate international procedures including the good offices of the Secretary-General of the United Nations." (A/C.1/992). As is well known, my delegation has expressed itself (CCD/PV.442, para. 23) in favour of incorporating an international element in the

(Mr. Eschauzier, Netherlands)

verification procedures of the sea-bed treaty. Therefore it regrets that the Canadian suggestion to that effect was not incorporated in the text of the draft treaty before the Committee. Nevertheless, together with several other delegations, we are of the opinion that this omission does not infringe the inherent right of any Member of the United Nations to seek the advice and assistance of the Secretary-General.

38. Finally, I want to express my sympathy with a suggestion made by the delegation of Yugoslavia (CCD/PV.473, para. 95) which proposed inter alia to incorporate in the text of the treaty a new stipulation according to which parties to the treaty would undertake to inform the Secretary-General of the United Nations, with a view to his notifying all the signatories of the treaty, of the results of verification, if and when undertaken. In my view, such an undertaking should be restricted to the results of the further verification procedures mentioned in paragraphs 2 and 3 of article III. The proposed notification procedure would contribute to the knowledge of the technically less-advanced countries concerning verification techniques.

39. Mr. CASTANEDA (Mexico) (interpretation from Spanish): The Mexican delegation has submitted a working paper concerning a proposal to add to article VIII of the draft treaty on the prohibition of the emplacement of nuclear weapons on the sea-bed (CCD/269/Rev.2) the following second paragraph:

"2. The States parties to this treaty undertake not to contribute in any way to the commission in the zone referred to in article I, of acts involving a violation of such obligations." (CCD/294)

The draft additional provision is accompanied by a commentary summarizing the reasons and grounds for proposing it. There is therefore no need to explain those reasons at length in this statement, and I will merely say this.

40. Under the present wording of article VIII the provisions of the draft treaty are in no way to affect the obligations assumed by States parties under international instruments establishing zones free from nuclear weapons. Whereas article I entitles any coastal State to install nuclear weapons on the sea-bed or the ocean floor or in the subsoil thereof in an area corresponding to the twelve-mile belt of sea adjacent to its coast, the first paragraph of article VIII would invalidate that right where States parties have undertaken by other international instruments to ban nuclear weapons from their territories.

(Mr. Eschauzier, Netherlands)

41. However, it is necessary to add to that provision an undertaking by other States parties to the treaty not to contribute in any way to the commission in the twelve-mile zone referred to in article I of acts involving a violation of obligations laid down in international agreements by which nuclear weapons are banned from specified areas. The need, therefore, is to lay down corresponding obligations. If a certain number of States have undertaken not to possess nuclear weapons on their territories, it is right to ask other States to respect that undertaking by refraining from violating it. This obligation is passive: it is an obligation not to do something, and consists merely in accepting international commitments assumed by other States and in not encouraging their infraction.

42. This provision is based on principles of general international law, in particular on the principle of respect for the territorial integrity of all States and for the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*). The purpose of the Mexican proposal is to spell out in the context of the present treaty a general obligation based on international law.

43. Mr. PETROV (Bulgaria) (interpretation from French): Permit me first of all to express my sincere thanks to the members of this Committee who have addressed kind words of welcome and congratulation to me on my appointment as head of the Bulgarian delegation. I am happy to participate in the work of the Conference of the Committee on Disarmament, the principal body bound to contribute through disarmament to the maintenance and strengthening of international peace and security. I am comparatively new to this field, and shall endeavour to study thoroughly all its complex problems, to co-operate sincerely with all the other members of the Committee, and to make my modest contribution to the noble cause of disarmament. I am happy to join my efforts to those of other representatives now that new measures aimed at broadening international agreement on disarmament are being worked out.

44. I should like to submit today, on behalf of the Bulgarian delegation, some observations on one of these measures upon which I believe the Committee ought to concentrate its efforts in the near future: namely the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. This question has been debated at length in our Committee; and we are convinced that the prerequisite conditions now exist to enable the Committee to submit to the next session of the General Assembly a draft treaty likely to gain its approval.

(Mr. Petrov, Bulgaria)

45. The Bulgarian delegation would like to say at once that it associates itself with all delegations which have supported the last revision of the joint draft of the co-Chairmen of this Conference (CCD/269/Rev.2). We have devoted our full attention to the study of this document and of the observations which other delegations have made upon it. Allow me to express the gratitude of the Bulgarian delegation to the co-Chairmen for their efforts in accomplishing this arduous task and for their care in dealing with the suggestions made by other delegations.

46. The draft treaty has been examined with the greatest care both by our Committee during three sessions and by the General Assembly at its twenty-fourth session; and from all these discussions it has emerged clearly improved. In its present form it has become in very large measure the joint work of the whole Committee. The speakers who have preceded me have analysed very clearly and thoroughly the many important amendments made to the draft. I do not propose to study them myself in detail, but would merely submit some general observations on the principal provisions of the draft.

47. The provisions of articles I and II concerning the purpose and scope of the intended prohibition have been made clearer; and that is a source of satisfaction to us. The wording of article II does not in our view raise any difficulty with regard to the field of application of the treaty, and its interpretation leaves no room for ambiguity.

48. A number of amendments have been made to article III, which now spells out in greater detail the principle of the proposed system of control and verification -- that is to say, recognition of the right of States parties to the treaty to undertake procedures of observation, verification and control in order to ensure respect for its restrictive and prohibitive clauses. Furthermore, the right given by paragraph 5 of article III to each State party to undertake verifications "using its own means, or with the full or partial assistance of any other State party", and the right to apply to the Security Council, leave no doubt of the effectiveness of the guarantees concerning the rights of States parties.

49. These rights are also guaranteed by article IV, the provisions of which suffice to dispel any fear that the treaty may prejudice the rights -- or even the claims -- which a State party --

"... may assert ... related to waters off its coast; including inter alia territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves."

(Mr. Petrov, Bulgaria)

50. The draft also leaves room, in its articles V and VI, for amendment of its provisions if the situation changes in the future.

51. The Bulgarian delegation is convinced that the main purpose of the prohibition whose procedure we are now discussing is to stimulate the search for suitable means of strengthening international peace and security. We think that the draft treaty, by the very nature of the prohibition it proposes, meets the hopes which the General Assembly had expressed in resolution 2602 F(XXIV):

"... the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reducing international tensions and strengthening friendly relations among States" (CCD/275).

52. The prohibition against emplacing nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor will have the effect not only of preserving that vast region of the globe from the race in nuclear weapons and other weapons of mass destruction, but also of preventing progress in the technical and scientific revolution from being applied to the improvement of weapons of this kind or the invention of new ones expressly for use on the sea-bed and ocean floor. It would help greatly to make the international atmosphere more wholesome, and would create new conditions favourable to the process of disarmament. Nearly all States agree that this is true. Only a few days ago the representative of Morocco, Mr. Khattabi, pointed this out very clearly, when he said:

"... Morocco ... attaches great importance to the speedy conclusion of a treaty excluding the sea-bed from the nuclear arms race, as a first step towards the more complete demilitarization of that environment, so necessary to the survival and well-being of humanity." (CCD/PV.477, para. 65)

53. Moreover, without wishing in any way to impugn the sincerity and good will of certain delegations, we find it difficult to understand their doubts of the political, economic and military value and need of an agreement of this type for all countries.

54. Another suggestion made during our debates has held my delegation's attention: that the Secretary-General of the United Nations, its highest official, might play a part in the system of verification and control provided in the draft: that a kind of international machinery should be based on his good offices. According to the suggestions, in the event of suspicious activities this machinery would undertake with its own technical, administrative and specialized means operations of verification, inspection and the like on the sea-bed and ocean floor. But would that path lead us

(Mr. Petrov, Bulgaria)

towards a positive result, or would it create new complications? Would the establishment of such machinery, based on recourse to the good offices of the Secretary-General of the United Nations, not create serious technical, financial and even political difficulties? Political complications and misunderstandings could prevent the treaty from working properly. The real risks of this proposal were set forth unequivocally by the representative of the Soviet Union, Mr. Roshchin, in his statement of 7 July (CCD/PV.476, paras. 62 et seq.). In view of the possible difficulties, it might be wiser to endeavour to find another solution better suited to our aim.

55. The Bulgarian delegation is not opposed to the idea of recourse to an international body or institution if other means fail to dispel doubts of the fulfilment of obligations. On the contrary, we think we should advocate the most appropriate body. We are convinced that in the present case that body would be the Security Council; and we therefore support without reservation the provision in paragraph 4 of article III of the draft allowing recourse to the Council, since the main purpose of the proposed treaty is the nuclear disarmament of the sea-bed and the ocean floor, and since nuclear disarmament is one of the most important factors, if not the most important factor, in the establishment of a system of international security. The Security Council is the body empowered to make recommendations or take decisions concerning measures for maintaining or re-establishing peace: that is spelt out clearly and precisely in Chapters VI and VII of the Charter. Hence, by including the Security Council in the verification and control system, we entrust to the United Nations a vital part in the application of the treaty.

56. We are firmly convinced that the system provided in the draft and based on observation, consultation, co-operation, inquiry, assistance from other States parties, inspection and recourse to the Security Council is an entirely appropriate international system which would effectively apply the prohibition and effectively protect the rights of States against any violation.

57. The Bulgarian delegation would like also to say a few words on another idea which has been presented here: that of linking demilitarization of the sea-bed and ocean floor to the establishment of an international system regulating their peaceful uses. Such an attempt by our Committee would only divert our attention from the serious problems before us and make us intervene in the affairs of other international bodies.

(Mr. Petrov, Bulgaria)

We do not think the Committee on Disarmament is competent to deal with the peaceful use of the sea-bed and the ocean floor; that task is now being handled by the Committee on the Peaceful Uses of the Sea-Bed and any trespassing would hinder the work of both Committees.

58. The Bulgarian delegation fully supports the principles contained in the draft treaty but on condition that it shall be the foundation and beginning of the complete prohibition of the use of the sea-bed and the ocean floor for military purposes. We are satisfied that it expresses the resolve of the States parties to take steps in that direction, and we hope that these will be taken without delay. It is with that intention that we would support the Polish proposal to retain the question of the demilitarization of the sea-bed and the ocean floor on the Committee's agenda (CCD/PV.471, para. 9).

59. In conclusion I should like to say that a treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor would be a new measure limiting the use of those weapons, would meet the needs and interests of the international community, and would be a step forward towards general and complete disarmament. Its conclusion would, apart from its particular practical objects, also prove highly important for the present political atmosphere. We are certain, therefore, that an agreement laying down that prohibition will be adopted by the great majority of States.

60. Mr. HOLLIST (Nigeria): Allow me first, on behalf of my delegation, to take this opportunity to associate ourselves with the welcome that previous speakers in this Committee have extended to the newly-appointed heads of delegations, Ambassador Tanaka of Japan and Ambassador Petrov of Bulgaria, who have joined this Committee for the first time at this session, and to welcome back among us you yourself, Mr. Chairman, Ambassador Castañeda of Mexico, Ambassador Erdembileg of Mongolia and Ambassador El Fassi of Morocco, who have resumed participation in the work of our Committee.

61. I propose to speak today on the revised draft sea-bed treaty which the co-Chairmen jointly presented to this Committee on 23 April (CCD/269/Rev.2). When the first draft of the treaty (CCD/269) was presented by the co-Chairmen in October 1969, the Nigerian delegation congratulated them on the spirit of co-operation and the desire for some measure of progress in disarmament which were evinced by their presentation of the joint draft (CCD/PV.445, para. 140). I wish to reiterate our congratulations with regard to the revised version that we now have before us. By revising their initial

(Mr. Hollist, Nigeria)

draft to conform largely with the views that were expressed both in this Committee and at the last session of the General Assembly, the co-Chairmen have once again demonstrated their awareness of the need to make progress, however marginal, in disarming, or rather in limiting the scope of armament, if humanity as we know it today is not to be annihilated by the colossal build-up of weapons of mass destruction.

62. In that connexion we are glad that the revised draft has taken cognisance of the Argentine amendments to articles I and II (A/C.1/997); has up to a point accepted the Canadian amendment on verification (A/C.1/992; CCD/270), endorsed by all the developing and non-aligned States represented in this Committee; and has endorsed the Mexican amendment recognizing the continuing obligation, in spite of the proposed treaty, assumed by "States parties to [the treaty] under international instruments establishing zones free from nuclear weapons" (A/C.1/995).

63. Having acclaimed the amendments to the original draft, I am not by any means suggesting that the revised draft meets all expectations. It is true that a negotiated international agreement cannot at its formulation, as stated by the representative of Czechoslovakia, "fully and perfectly meet all suggestions and views" (CCD/PV.476, para. 20); but, be that as it may, the fact remains that in order to ensure wide acceptance an international agreement must be clear in its prescriptions and be seen to protect the interests of all as much as possible. It is therefore with that objective in view that I shall now proceed to present the comments of the Nigerian delegation on the revised draft sea-bed treaty.

64. Last year the Nigerian delegation, along with the majority of the members of this Committee, declared in unmistakable terms its preference for a treaty which would completely demilitarize the sea-bed. Although we have never been convinced by the arguments that have been adduced against such a treaty, we have nevertheless agreed in a spirit of co-operation to accept a limited-prohibition treaty on the understanding that it was regarded as no more than a step towards the ultimate objective of complete demilitarization of the sea-bed. That is why the Nigerian delegation regrets that the co-Chairmen have not found it possible to accept the Swedish proposal (CCD/271) regarding the incorporation in the substantive provisions of the treaty of a pledge to pursue negotiations on a more comprehensive prohibition of the use of the sea-bed for military purposes. We appreciate, of course, that the third paragraph of the preamble, when read in conjunction with

(Mr. Hollist, Nigeria)

article VI, leaves the door open for further negotiations on the demilitarization of the sea-bed; but we share the view of the overwhelming majority of this Committee that the Swedish amendment should nevertheless be incorporated in the treaty; particularly since every delegation here, as far as we can see, agrees in principle that prospects for further negotiations relating to the sea-bed should not be foreclosed.

65. The Nigerian delegation also supports the suggestion made by Mr. Zybylski on behalf of the Polish delegation that this Committee should keep on its agenda the question of the demilitarization of the sea-bed (CCD/PV.471, para. 9).

66. My delegation congratulates Mr. Castañeda of Mexico on his illuminating exposé at our meeting on 9 July (CCD/IV.477). My delegation is in full agreement with him that the text of articles I and II, particularly, need to be redrafted in clearer legal language to remove the confusion which now characterizes them (*ibid.*, paras. 23 *et seq.*). However, we are unable to accept his contention that the phrase "the sea-bed beneath its territorial waters" at the end of article I, paragraph 2, may be construed to confer additional rights on coastal States which claim territorial waters of more than the twelve-mile limit (*ibid.*, paras. 34 *et seq.*). It may well be that the phrase is superfluous; but it certainly does not authorize any State, whatever the breadth of the territorial waters it claims, to implant or emplace weapons of mass destruction beyond the twelve-mile limit permitted by the treaty. The phrase "the sea-bed beneath its territorial waters" should be read in conjunction with a preceding phrase in the same article I, paragraph 2: "within such sea-bed zone". That phrase, I think, sets the limit to the maximum breadth of territorial waters exempted from the prohibition of the treaty. Article I, paragraph 1, and article II between them define the sea-bed zone as twelve miles. Article I, paragraph 2, can only mean, therefore, that within that twelve-mile zone -- and I emphasize the word "within" -- the prohibition of the treaty shall not apply to the sea-bed beneath territorial waters.

67. We are glad to note that in the revised draft treaty the co-Chairmen have incorporated substantially the Canadian proposals relating to verification and control. Unfortunately, however, they have omitted from the Canadian formulation as contained in document A/C.1/992 the provisions for recourse to international procedures or the good offices of the Secretary-General. We have listened attentively to the arguments that have been levelled against those provisions, but we are not convinced that their elimination is justified.

(Mr. Hollist, Nigeria)

68. As Mr. Ignatieff rightly pointed out in his statement on 25 June, the establishment of appropriate international procedures does not necessarily imply "the establishment of some new, elaborate and expensive international machinery" (CCD/PV.473, para. 5). Similarly, we do not consider that recourse to the good offices of the Secretary-General of the United Nations creates any power as such for him. In fact, the need for some international procedure has, I think, been underlined by the question asked by the representative of Yugoslavia, Mr. Bozinovic, in his statement on 25 June. Referring to the provision in article III that parties in the region of the suspected activities, and any other party so requesting, shall be notified of, and may participate in, the verification procedure, Mr Bozinovic asked:

"... how will the parties [in the region] know that such activities are going on, and thus be able to express their desire to take part in consultation and co-operation?" (ibid., para. 96)

That is indeed a pertinent question, which I hope the co-Chairmen will answer.

69. In our opinion the draft treaty relies too heavily on the Security Council for control. The right of recourse to the Security Council is guaranteed by the United Nations Charter and is therefore available to every Member independently of the sea-bed treaty. In any case, while we do not undervalue the Security Council, we are sceptical about whether the Council as now constituted should be accorded a specific role in this treaty, as is done in article III, paragraph 4, and article VII. We feel that such a role for the Security Council is bound to be controversial in the long run; since the position of the Council under the United Nations Charter appears hardly compatible with the exercise of arbitration functions provided for under a substantive international treaty, like the one under discussion, to which countries may adhere independently of their membership of the United Nations.

70. Mr. ZELLEKE (Ethiopia): Having listened carefully to the many important comments made by members of this Committee on the revised draft treaty on the sea-bed (CCD/269/Rev.2), I should like today to give briefly the point of view of the Ethiopian delegation.

71. Looking at it in retrospect, one would think that the treaty could have been completed at the last session of the General Assembly and that this Committee could have moved on to the consideration of other concrete measures of disarmament which have been before the Committee for a long time. Nevertheless, continuous discussions

(Mr. Zelleke, Ethiopia)

and exchanges of view on the draft have no doubt contributed to the clarification of the complicated nature of the sea-bed treaty and led the Committee towards a common understanding.

72. It is a recognized fact that the new revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof, presented formally by the delegations of the USSR and the United States on 23 April (CCD/PV.467), has gone a long way to meet the requirements expressed in various comments and suggestions made both here in the Committee and in the General Assembly. The changes incorporated in the new draft are numerous and substantial. My delegation welcomes those changes for the better, and joins others in congratulating the co-Chairmen on their unceasing efforts and spirit of compromise, which have led to the presentation of a much clearer draft, which deserves a wider range of acceptance.

73. Once again, however, and in spite of the repeated appeals of several members of the Committee, the co-Chairmen have been unable, regrettably, to include in a separate article in the body of the draft treaty a provision for the continuance of further negotiations completely to demilitarize the sea-bed. It will be recalled that, when the question of disarmament measures for the sea-bed was first raised in this Committee by the delegation of the Soviet Union in the form of a draft treaty (ENDC/240), my delegation was among those which supported the complete demilitarization of the sea-bed (ENDC/PV.402, para. 98). However, in deference to the various arguments advanced in this Committee and in the light of the existing political realities, it became unavoidable to go along with the partial measures of mere denuclearization of the sea-bed, as proposed in the present draft, on the understanding, of course, that the treaty would contain a provision for the continuance of negotiations for complete demilitarization of the sea-bed in much the same way as is done in article VI of the non-proliferation Treaty (ENDC/226*). It was in that spirit that a large majority of States welcomed and supported the provision contained in the Swedish working paper (CCD/271) calling for the continuance of negotiations in good faith on the comprehensive prohibition of the use for military purposes of the sea-bed.

74. Without going any further into the arguments which have been presented emphatically by other delegations in favour of the inclusion in the draft of a separate article on the lines suggested in the Swedish working paper, my delegation hopes that the

(Mr. Zelleke, Ethiopia)

co-Chairmen will be able to reconsider their position in the light of the desire of the large majority of States progressively to prohibit the use of the sea-bed for military purposes.

75. As far as the new changes are concerned, in the past few weeks, since the beginning of our second session this year, several delegations have referred to and analysed in detail the new changes which appear in the revised draft. My delegation wishes to note that, among other things, articles I and II taken together with the disclaimer clause, article IV, and the authoritative interpretations given by the authors when introducing the revised draft treaty have satisfactorily demarcated the areas of prohibition and successfully solved the question of the maritime zone.

76. Considerable improvements have been achieved also with regard to the verification issue as it now appears in article III. This is due mainly to the inclusion in the draft of the suggestions made in the Canadian working paper (A/C.1/992; CCD/270), to which the Ethiopian delegation gave full support. In this particular case, however, my delegation, like many others, cannot fail to note the omission from the article of an arrangement for international verification machinery within or outside the United Nations system.

77. My delegation has already stated (CCD/PV.444, para. 131) that, for the vast majority of developing nations, verification by their own means would remain a theoretical possibility without any practical significance, as it is well known that those countries are far behind the technological standard that would be required for verification activities on the sea-bed. In our opinion, therefore, it is indispensable that those States should look to external assistance in verification. While we welcome, in this respect, the provision for bilateral assistance in verification as stipulated in paragraph 5 of article III, we fail to understand why any State should be deprived of any assistance in verification from a multilateral source when such an arrangement becomes feasible. We hope that the co-Chairmen will find appropriate wording which will not exclude future verification through an international arrangement, if and when such an arrangement becomes feasible.

78. Finally, I should like to welcome the addition of article VI dealing with the matter of the review of the operation of the treaty. My delegation has always maintained that the present draft treaty is designed to deal with an environment little known to modern technology. That is why we feel that a periodic review of the operation of the treaty will be essential in order to improve it, if need be, in the light of the better knowledge of the sea-bed, the ocean floor and the subsoil thereof.

(Mr. Zelleke, Ethiopia)

79. In conclusion, this Committee can now reasonably hope to be able to present to the twenty-fifth session of the General Assembly a broadly-agreed draft treaty on the sea-bed, the ocean floor and the subsoil thereof. The new draft has already solved a number of difficult and basic issues. In view of the co-operation and spirit of compromise which the co-Chairmen have already shown, we expect that certain changes will be forthcoming to accommodate the various points raised during our discussion at the present session.

80. The CHAIRMAN (Yugoslavia): I shall now read an announcement on behalf of the co-Chairmen:

"The delegation of Canada has requested that an informal meeting of the Conference of the Committee on Disarmament be held on Wednesday, 12 August, to discuss the question of the cessation of the testing of nuclear weapons. If agreeable to the other members of the Committee, this meeting will be held at 10.30 a.m. on 12 August."

81. If there are no observations, it will be so decided.

It was so decided.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 480th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Anton Vratasa, representative of Yugoslavia.

"Statements were made by the representatives of Sweden, the Netherlands, Mexico, Bulgaria, Nigeria and Ethiopia.

"The delegation of Mexico submitted a working paper on the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/294).

"The next meeting of the Conference will be held on Thursday, 23 July 1970, at 10.30 a.m."

The meeting rose at 12 noon